

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DENZEL HOSEA MARTIN, SPECIAL
ADMINISTRATOR OF THE ESTATE OF
WESLIE HOSEA MARTIN,

Case No. 3:21-cv-00365-ART-CLB

ORDER

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Following the death of Weslie Martin, then an inmate in the custody of the Nevada Department of Corrections (“NDOC”), the Court ordered that any motion for substitution be filed within 90 days and warned that the failure to do so could result in dismissal of this case. (ECF No. 18.) Following the 90-day period, on January 9, 2024, the Court had not received a motion to substitute, so it dismissed this action and closed it. (ECF No. 21.) On October 18, 2024, Denzel Hosea Martin (“Denzel”), through counsel, filed a Motion to Set Aside Judgment Pursuant to Rule 60(b) and a Motion for Substitution Pursuant to Rule 25(a)(1). (ECF Nos. 26, 27.) On November 20, 2024, the Court granted Denzel’s motions reopening the case and substituting Denzel as Special Administrator of the Estate of Weslie Hosea Martin as the plaintiff in this matter. (ECF No. 30.)

In the screening order, the Court deferred a decision on Martin’s application to proceed *in forma pauperis* (“IFP”) for inmates. (ECF Nos. 1, 13.) The Court denies Martin’s IFP application as moot. The Court now directs Denzel to file an application to proceed in district court without prepaying fees or costs

1 under 28 U.S.C. § 1915¹ or pay the full filing fee of \$402² within thirty (30) days
2 from the date of this order. If Denzel does not timely comply with this order,
3 dismissal of this action may result.

4 For the foregoing reasons, it is ordered that the application to proceed *in*
5 *forma pauperis* for inmates (ECF No. 1) is denied as moot.

6 It is further ordered that within thirty (30) days from the date of this order,
7 Denzel will either: (1) file an application to proceed in district court without
8 prepaying fees or costs under 28 U.S.C. § 1915; or (2) pay the full filing fee of
9 \$402.

10 It is further ordered that if Denzel does not timely comply with this order,
11 dismissal of this action may result.

12 DATED THIS 17th day of December, 2024.

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14 ANNE R. TRAUM
15 UNITED STATES DISTRICT JUDGE
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25 ¹ The application to proceed in district court without prepaying fees or costs is
26 accessible on the forms section of the U.S. District Court, District of Nevada site
27 at: <https://www.nvd.uscourts.gov/court-information/forms/>

28 ² The filing fee for civil cases increased to \$405 (which includes the \$350 filing
fee and \$55 administrative fee) on December 1, 2023. Martin initiated this action
on August 17, 2021. (ECF No. 1.) Accordingly, this case is subject to the \$402
filing fee.